

# Congress of the United States

Washington, DC 20515

July 23, 1998

Mr. Erwin Teufel, MdL  
Minister President  
Baden-Wuerttemberg  
Federal Germany

By Fax: 01149 - 21 53-340

Dear Minister President:

As Co-Chairmen of the Congressional Human Rights Caucus, a bipartisan working group of 170 Members of the House of Representatives, we write regarding recent reports concerning infringements of the constitutionally guaranteed right of religious freedom in the German State of Baden-Wuerttemberg. In particular, we are deeply concerned regarding the recent decision not to accept Ms. Fereshta Ludin, a student teacher, as a civil servant and full-time teacher after graduation.

The decision not to accept Ms. Ludin was reportedly based solely on Ms. Ludin's insistence to wear a head scarf during her lessons as a sign of her religious convictions as a devout Muslim. The *Sueddeutsche Zeitung* (07/14/1998) reports that Ms. Ludin had successfully completed her teacher's training with sufficiently high marks to be subsequently accepted as a civil servant.

While we clearly understand that the authority on educational matter lies with the *Bundeslaender*, we believe that constitutionally guaranteed basic rights clearly override this *Laender* authority. Article 4 of the German Constitution (*Grundgesetz*) expressly guarantees religious freedom and freedom of conscience: "Freedom of faith and conscience as well as freedom of creed, religious or ideological, are inviolable." (Art. 4 I GG) and "The undisturbed practice of religion shall be guaranteed." (Art. 4 II GG).

The *Sueddeutsche Zeitung* quotes Minister of Culture and Education, Ms. Annette Schavan, in justifying her decision to uphold the decision of the education board of Stuttgart as saying that wearing a head scarf is not an expression of religious beliefs, but a cultural tradition. We are deeply disturbed by these comments; nowhere does Article 4 of the German Basic Law demand 'explicit official church approval or doctrine' as a basis for an individual action or relict to be considered an expression of personal religious convictions protected under its provisions. Furthermore, Article 4 does not invest any member of cabinet with the authority to interpret such

matters.

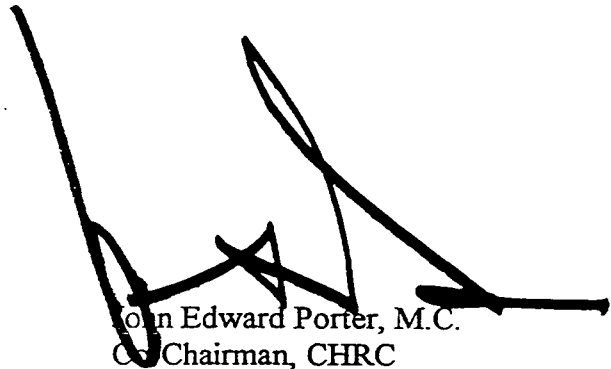
Contrary to Minister Schavan's reported remarks, we do not believe that wearing a head scarf is a sign of cultural segregation nor is it a political symbol; much rather Ms. Ludin clearly stated that wearing a head scarf is her way to express her religious convictions. Both, cultural and historic traditions among Muslim women clearly support this view. It thus should be treated in the same way as the commonly accepted practices among Christians to wear religious jewelry -- such as a crucifix or fish symbol -- as expressions of personal religious convictions not required by any official church doctrine.

Mr. Minister President, we therefore urge you to reconsider Minister Schavan's decision, and to base your decision to accept Ms. Ludin as a civil servant solely upon her performance in the class room. We look forward to hearing from you in this matter.

Sincerely,



Tom Lantos, M.C.  
Co-Chairman, CHRC



John Edward Porter, M.C.  
Co-Chairman, CHRC

cc: His Excellency Juergen Chrobog, Ambassador, Federal Republic of Germany